

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
JORGE R ALCAZAR

Debtor(s)

CASE NO: BKS-18-10523-LEB

CHAPTER 13

Hearing Date: September 13, 2018
Hearing Time: 1:30 pm

LAW OFFICE OF MICHAEL J HARKER
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN
#2 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned
bankruptcy case and hereby alleges as follows:

Statement of Facts

The Debtor(s) filed for Chapter 13 relief on 02/01/2018. The 341(a) Meeting of Creditors held on May
01, 2018 at 11:30 am was concluded .

Argument

The Trustee objects to confirmation of the Chapter 13 Plan and recommends that this case be dismissed
pursuant to 11 U.S.C. §1307(c) for one or more of the following reasons:

- Debtor(s) is/are delinquent in plan payments. 11 U.S.C. §1307(c)(1)
- The Plan fails to provide for all of the Debtor(s)' Disposable Income pursuant to 11 U.S.C. §1325(a)(3) and (b) based on: Schedule I has under disclosed income

- Plan is not feasible as required by 11 U.S.C. §1322 based on: Republic Service; Bank of America; MTGLQ Investors as a final loan modification has not recapitalized the arrears; Trustee cannot make the trial loan modification payments as plan payments were insufficient to cover attorney's fees and the mortgage
- The Plan fails to meet liquidation value [11 U.S.C. §1325(a)(4)] based on the following non-exempt property: \$149,959.35 as listed in section 2.4 of the Plan
- Other: _Trustee needs a completed Declaration regarding Domestic Support Obligation _Clarify status of loan modification in light of Mediator's Final Report filed as Docket 46

Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable delay that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the following documents:

- Paystubs for the following period(s): May-August 2018. 11 U.S.C. §704(a)(4) and/or 11 U.S.C. §521(a)(1)(B)(iv).
- Amendment to Plan: list description of liquidation value .
- Amendment to Schedule I. Current Income of Individual Debtor(s): income has been underdisclosed..

Conclusion

WHEREFORE, for the foregoing reasons, the Trustee objects to confirmation and recommends that this case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: 9/6/18

/s/ Kathleen A. Leavitt
Kathleen A. Leavitt
Chapter 13 Trustee

KATHLEEN A. LEAVITT
CHAPTER 13 STANDING TRUSTEE
201 Las Vegas Blvd South
Suite 200
Las Vegas, NV 89101

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:

**CASE NO: BKS-18-10523-LEB
Chapter 13**

JORGE R ALCAZAR

Debtor (s)

CERTIFICATE OF SERVICE

1. On September 06, 2018, I served the following document(s):

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #2 COMBINED WITH
TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

2. I served the above-named documents(s) by the following means to the persons
as listed below:

United States mail, postage fully prepaid

JORGE R ALCAZAR
7018 SALT MARSH CT
LAS VEGAS, NV 89148

LAW OFFICE OF MICHAEL J HARKER
2901 EL CAMINO AVE
SUITE 200
LAS VEGAS, NV 89102

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: 9/6/18

/s/ Esther Carr
Employee of
Kathleen A. Leavitt
Chapter 13 Standing Trustee